

FILED BY *W* D.C.

05 AUG -2 PM 3: 09

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA

*

Plaintiff,

*

v.

*

Crim. No. 02-20165-D

ALVIN IRWIN MOSS,

*

Defendant.

*

*

PRELIMINARY ORDER OF FORFEITURE

In Indictment Number 02-20165-D, the United States sought forfeiture of specific property of defendant Alvin Irwin Moss pursuant to 18 U.S.C. §1963. On July 14, 2005, the defendant entered a plea of guilty to a substantive violation of the RICO statute, 18 U.S.C. §1962, as charged in Count 1 of the indictment. The defendant also agreed to forfeit to the United States the sum of twelve million dollars (\$12,000,000.00) in satisfaction of his forfeiture liability as charged in the forfeiture provision of the indictment

Accordingly, it is **ORDERED**:

1. Based upon the defendant's plea of guilty as to Count 1 of Indictment Number 02-20165-D, the United States is authorized, subject to the terms and conditions of this order, to seize the following property belonging to defendant Alvin Irwin Moss, and his interest in it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §853(n) and Rule 32.2 of the Federal Rules of Criminal Procedure:

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 8/2/05

576

- a. The Sum of Twelve Million Dollars in U.S. Funds (\$12,000,000.00);
- b. Any and all assets of Alvin Irwin Moss currently held by Inversiones Haas, S.A.; Servicios de Soporte al Turismo, S.A.; or by Luis-Enrique Villalobos, Osvaldo Villalobos, or Freddy Villalobos individually; or by any other company controlled by them (the "Villalobos claims") to the extent that either the defendant or the United States is able to recover those assets.

2. Pursuant to the plea agreement between the parties, the \$12 million in U.S. funds referred to in Paragraph 1a ("the forfeited property") shall be deposited into the registry of the Court, and will be held therein until all the terms of the plea agreement have been met and no contingencies remain. At that time, the United States may move to have the forfeited property transferred to the United States Marshal to be held in his secure custody, or, as may be necessary, the Attorney General may appoint a substitute custodian.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshal shall publish at least once a week for three successive weeks in a newspaper of general circulation in Shelby County, Tennessee, notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General or his delegate may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest

in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States Marshal or his delegate may use the attached Legal Notice.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

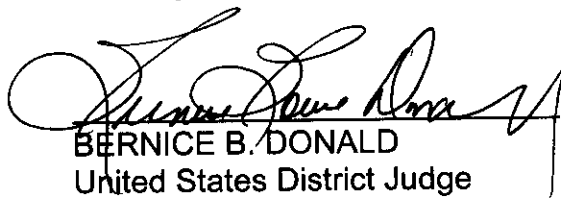
4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

5. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

6. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), which is incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), for the filing of third party petitions.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED this 2nd day of August, 2005.


BERNICE B. DONALD
United States District Judge

PRESENTED BY:

TERRELL L. HARRIS
United States Attorney

By:


CHRISTOPHER E. COTTEN
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA

*

Plaintiff,

*

v.

*

Crim. No. 02-20165-D

ALVIN IRWIN MOSS,

*

Defendant.

*

*

LEGAL NOTICE

Take notice that on _____, the United States District Court for the Western District of Tennessee, Western Division, entered a Preliminary Order of Forfeiture ordering that all right, title and interest of the defendant Alvin Irwin Moss in the following property be forfeited to the United States to be disposed of in accordance with law:

1. The sum of twelve million dollars (\$12,000,000.00) in U.S. funds
2. Any and all assets of Alvin Irwin Moss currently held by Inversiones Haas, S.A.; Servicios de Soporte al Turismo, S.A.; or by Luis-Enrique Villalobos, Osvaldo Villalobos, or Freddy Villalobos individually; or by any other company controlled by them (the "Villalobos claims") to the extent that either the defendant or the United States is able to recover those assets.

The United States intends to dispose of this property in such matter as the Attorney General or his delegate may direct. Any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of this notice or of receipt of actual notice, whichever is

earlier. The petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and relief sought.



Notice of Distribution

This notice confirms a copy of the document docketed as number 576 in case 2:02-CR-20165 was distributed by fax, mail, or direct printing on August 2, 2005 to the parties listed.

Christopher E. Cotten
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Richard M. Carter
MARTIN TATE MORROW & MARSTON
6410 Poplar Ave.
Ste. 1000
Memphis, TN 38119

Robert G. Chadwell
MCKAY CHADWELL PLLC
600 University St.
Ste. 1601
Seattle, WA 98101

Kemper B. Durand
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Wade V. Davies
RITCHIE FELS & DILLARD, P.C.
606 W. Main St.
Ste. 300
Knoxville, TN 37901

Robert W. Ritchie
RITCHIE FELS & DILLARD, P.C.
606 W. Main St.
Ste. 300
Knoxville, TN 37901

David E. Wilson
MCKAY CHADWELL, PLLC
600 University
Ste 1601
Seattle, WA 98101

Michael B. Neal
ARMSTRONG ALLEN, PLLC
80 Monroe Avenue
Ste. 700
Memphis, TN 38103--246

Dan Newsom
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Glenn Reid
WYATT TARRANT & COMBS
P.O. Box 775000
Memphis, TN 38177--500

Stephen Ross Johnson
RITCHIE FELS & DILLARD, P.C.
606 W. Main St.
Ste. 300
Knoxville, TN 37901--112

Michael R. Koblenz
MOUND COTTON WOLLAN & GREENGRASS
One Battery Park Plaza
New York, NY 10004--148

David W. Kenna
MOUND COTTON WOLLAN & GREENGRASS
One Battery Park Plaza
New York, NY 10004--148

Honorable Bernice Donald
US DISTRICT COURT